

(2) In April 1996, Ms. Andersen underwent left knee surgery.

(3) In 1997 one of Ms. Andersen's physicians diagnosed pulmonary hypertension. Her pulmonologist, Stephen F. Hagan, M.D., indicated in his letter dated June 5, 1998, that Ms. Andersen's pulmonary hypertension resulted from immobilizing the left leg after the April 1996 knee surgery. Dr. Hagan believes that a blood clot formed in the left leg and the clot later embolized to her pulmonary artery. Hagan writes:

Mrs. Andersen injured her knee requiring surgery. As a result of the immobilization of her left leg, she in all probability, had a blood clot form in her left lower extremity. It subsequently embolized to her pulmonary artery. As a result of that she has been left with pulmonary hypertension. In my opinion, it is with a reasonable degree of medical probability that the accident of December 19, 1995, caused her to have pulmonary hypertension.

(4) On the other hand, pulmonologist Thomas Bloxham, M.D., examined Ms. Andersen at IMA's request and concluded that she had multiple risk factors and, therefore, the cause of the pulmonary emboli was not clear. His medical report reads:

It is not clear what the cause has been for her pulmonary emboli. It is certainly assumed that she had deep venous thrombosis, most likely somewhere in the legs or the pelvis preceding embolization to the lungs. Because she has had respiratory complaints dating all the way back to July of 1990, including multiple complaints during 1994, and also 1995, it is possible that she may have been having multiple small pulmonary emboli for some time. It is certainly not clear that her knee surgery was a likely cause of her pulmonary emboli, and subsequent pulmonary hypertension.

CONCLUSIONS OF LAW

(1) Every natural consequence of a work-related injury is also compensable.¹ Likewise, an accidental injury is compensable when the accident only serves to aggravate a preexisting condition.²

(2) Based upon Dr. Hagan's opinion, the Appeals Board finds for preliminary hearing purposes that the pulmonary embolism and resulting hypertension are directly related to the December 1995 accident and resulting knee surgery. Therefore, Ms. Andersen is entitled to workers compensation benefits for that condition.

IMA and its insurance carrier argue that Dr. Hagan's opinions should not be considered because he allegedly did not have a complete medical history. Because Dr. Hagan did not testify, the record does not indicate what history the doctor considered in formulating his conclusions. Without additional evidence, the Appeals Board is unable to conclude that Dr. Hagan had an inadequate history such that his opinions should be given less weight than Dr. Bloxham's opinions. The Appeals Board finds that IMA's argument goes to the weight that

¹Jackson v. Stevens Well Service, 208 Kan. 637, 493 P.2d 264 (1972).

²Odell v. Unified School District, 206 Kan. 752, 481 P.2d 974 (1971).

Dr. Hagan's opinions should be given. At this juncture, the Appeals Board finds that the doctor's opinions are not so incredible or unreliable as to be disregarded.

(3) IMA and its insurance carrier also contend the Judge erred by awarding temporary total disability benefits for the period from August 5 through December 16, 1997.

The Judge has the authority and jurisdiction to award temporary total disability benefits at a preliminary hearing.³ The Board's jurisdiction to review preliminary hearing findings is limited to that granted by statute.⁴ And the Board does not have the authority at this juncture of the proceeding to reweigh the evidence to determine whether Ms. Andersen was temporarily and totally disabled.

(4) As provided by the Act, preliminary hearing findings are not binding and may be modified in a full hearing on the claim.⁵

WHEREFORE, the Appeals Board affirms the preliminary hearing Order dated October 28, 1998, entered by Administrative Law Judge Nelsonna Potts Barnes.

IT IS SO ORDERED.

Dated this ____ day of January 1999.

BOARD MEMBER

c: Vincent A. Burnett, Wichita, KS
James Zongker, Wichita, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director

³K.S.A. 1997 Supp. 44-534a.

⁴See K.S.A. 1997 Supp. 44-534a and K.S.A. 1997 Supp. 44-551.

⁵K.S.A. 1997 Supp. 44-534a(a)(2).